

# Sex Crimes: Definitions and Penalties

## North Dakota

*Last Updated: April 2023*

### Gross Sexual Imposition

Question	Answer
How is it defined?	<p>Engaging in a <b>sexual act</b> with another, or causing another to engage in a sexual act, if:</p> <ul style="list-style-type: none"> <li>• That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;</li> <li>• That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means with intent to prevent resistance;</li> <li>• That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her;</li> <li>• The victim is less than 15 years old; or</li> <li>• That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.</li> </ul> <p>Engaging in <b>sexual contact</b> with another, or causing another to engage in sexual contact, if:</p> <ul style="list-style-type: none"> <li>• The victim is less than 15 years old;</li> <li>• That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; or</li> <li>• That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed on the victim.</li> </ul>
What are the punishments for this crime?	<ul style="list-style-type: none"> <li>• If, in the course of the offense, the actor inflicts serious bodily injury upon the victim, the actor compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, or if the victim was less than 15 years old and the actor was at least 22 years old at the time of the violation, the minimum sentence is 20 years in prison, with probation supervision to follow the incarceration, and the maximum sentence is life in prison without parole.</li> <li>• If, as a result of the injuries sustained during the course of the offense, the victim dies, the sentence is life in prison without parole unless the defendant was a juvenile at the time of the offense.</li> <li>• Otherwise, the maximum sentence is 20 years in prison, a fine of \$20,000, or both.</li> <li>• The court may deviate from the mandatory sentence if the court finds that the sentence would impose a manifest injustice and the defendant has accepted responsibility for the crime or cooperated with law enforcement. However, a defendant convicted under this section may not be sentenced to serve less than</li> </ul>

	<p>5 years of incarceration.</p> <ul style="list-style-type: none"> <li>• A person may not receive a deferred imposition of sentence unless that person proves at sentencing by clear and convincing evidence that the person reasonably believed the victim to be 15 years of age or older.</li> </ul>
Anything else I should know?	<ul style="list-style-type: none"> <li>• “<b>Sexual act</b>” means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim's anus, vulva, or penis. Sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.</li> <li>• “<b>Sexual contact</b>” means any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.</li> <li>• “<b>Object</b>” means anything used in commission of a sexual act other than the person of the actor.</li> <li>• “<b>Deviate sexual act</b>” means any form of sexual contact with an animal, bird, or dead person.</li> <li>• When the criminality of conduct depends on a child's being below the age of 15, it is no defense that the actor did not know the child's age, or reasonably believed the child to be older than fourteen.</li> </ul>
Statutory citation(s):	<ul style="list-style-type: none"> <li>• N.D. Cent. Code Ann. § 12.1-20-03; see also <i>id.</i> § 12.1-20-01 (general provisions); <i>id.</i> § 12.1-20-02 (definitions).</li> </ul>

## Continuous Sexual Abuse of a Child

Question	Answer
How is it defined?	<ul style="list-style-type: none"> <li>• Engaging in any combination of three or more sexual acts or sexual contacts with a minor under the age of 15 years during a period of three or more months.</li> </ul>
What are the punishments for this crime?	<ul style="list-style-type: none"> <li>• If the actor was at least 22 years old at the time of the offense, the maximum sentence is life in prison without parole.</li> <li>• If the actor was less than 22 years old at the time of the offense, the maximum sentence is 20 years in prison, a fine of \$20,000, or both.</li> </ul>
Anything else I should know?	<ul style="list-style-type: none"> <li>• See definitions of “<b>sexual act</b>” and “<b>sexual contact</b>” under Gross Sexual Imposition.</li> <li>• When the criminality of conduct depends on a child's being below the age of 15, it is no defense that the actor did not know the child's age, or reasonably believed the child to be older than fourteen.</li> <li>• Continuous Sexual Abuse of a Child is a class AA felony if the actor was at least 22 years old at the time of the offense, otherwise it is a class A felony.</li> </ul>

Statutory citation(s):	<ul style="list-style-type: none"> <li>• N.D. Cent. Code Ann. § 12.1-20-03.1; N.D. Cent. Code Ann. § 12.1-20-03; <i>see also id.</i> § 12.1-20-01 (general provisions); <i>id.</i> § 12.1-20-02 (definitions);</li> </ul>
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## Sexual Imposition

Question	Answer
How is it defined?	<ul style="list-style-type: none"> <li>• Engaging in a sexual act or sexual contact with another, or causing another to engage in a sexual act or sexual contact, if the actor: <ul style="list-style-type: none"> <li>• Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or</li> <li>• Engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification to become a member or an associate of any criminal street gang</li> </ul> </li> </ul>
What are the punishments for this crime?	<ul style="list-style-type: none"> <li>• The maximum sentence is 10 years in prison, a fine of \$20,000, or both.</li> </ul>
Anything else I should know?	<ul style="list-style-type: none"> <li>• <b>“Coercion”</b> means to exploit fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance.</li> <li>• See definitions of <b>“sexual act”</b> and <b>“sexual contact”</b> under Gross Sexual Imposition.</li> <li>• Sexual Imposition is a class B felony.</li> </ul>
Statutory citation(s):	<ul style="list-style-type: none"> <li>• N.D. Cent. Code Ann. § 12.1-20-04</li> </ul>

## Corruption or Solicitation of Minors

Question	Answer
How is it defined?	<ul style="list-style-type: none"> <li>• (1) Engaging in, soliciting with the intent to engage in, or causing another to engage in a sexual act with a minor, when the actor is an adult.</li> <li>• (2) Soliciting with the intent to engage in a sexual act with a minor under age 15 or engages in or causing another to engage in a sexual act when the adult is at least 22 years of age and the victim is a minor 15 years of age or older, when the actor is an adult.</li> </ul>

What are the punishments for this crime?	<ul style="list-style-type: none"> <li>• If the minor is 15 years of age or older when the adult commits the action in (1) above, the maximum sentence is 1 year in prison, a fine \$3,000, or both (Class A misdemeanor).</li> <li>• If the adult commits a violation of (1) above within 50 feet of an elementary, middle or high school, the maximum sentence is 5 years in prison, a fine of \$10,000, or both (class C felony).</li> <li>• (2) above carries a penalty of 5 years in prison, a fine of \$10,000, or both (class C felony).</li> <li>• If the adult commits a violation of (2) above within 50 feet of an elementary, middle or high school, the maximum sentence is 10 years in prison, a fine of \$20,000, or both (class B felony).</li> </ul>
Anything else I should know?	<ul style="list-style-type: none"> <li>• See definition of “<b>sexual act</b>” under Gross Sexual Imposition.</li> </ul>
Statutory citation(s):	<ul style="list-style-type: none"> <li>• N.D. Cent. Code Ann. § 12.1-20-05; N.D. Cent. Code Ann. § 12.1-20-03.1; N.D. Cent. Code Ann. § 12.1-20-03; <i>see also id.</i> § 12.1-20-01; <i>id.</i> § 12.1-20-02 (definitions).</li> </ul>

## Sexual Abuse of Wards

Question	Answer
How is it defined?	<ul style="list-style-type: none"> <li>• Engaging in a sexual act with another person, or causing another to engage in a sexual act if the other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over the other person.</li> </ul>
What are the punishments for this crime?	<ul style="list-style-type: none"> <li>• The maximum sentence is 5 years in prison, a fine of \$10,000, or both.</li> </ul>
Anything else I should know?	<ul style="list-style-type: none"> <li>• Sexual Abuse of Wards is a class C felony.</li> </ul>
Statutory citation(s):	<ul style="list-style-type: none"> <li>• N.D. Cent. Code Ann. § 12.1-20-06</li> </ul>

## Sexual Exploitation by Therapist

Question	Answer
How is it defined?	<ul style="list-style-type: none"> <li>• When a person who holds oneself out to be a therapist and intentionally has sexual contact with a patient or client during any treatment, consultation, interview, or examination</li> </ul>

What are the punishments for this crime?	<ul style="list-style-type: none"> <li>• The maximum sentence is 5 years in prison, a fine of \$10,000, or both.</li> </ul>
Anything else I should know?	<ul style="list-style-type: none"> <li>• <b>“Therapist”</b> means a physician, psychologist, psychiatrist, social worker, nurse, addiction counselor, member of the clergy, or other person, whether licensed or not by the state, who performs or purports to perform psychotherapy.</li> <li>• <b>“Psychotherapy”</b> means the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction.</li> <li>• See definition of <b>“sexual contact”</b> under Gross Sexual Imposition.</li> <li>• Consent by the complainant is not a defense under this section.</li> <li>• Sexual Exploitation by Therapist is a class C felony.</li> </ul>
Statutory citation(s):	<ul style="list-style-type: none"> <li>• N.D. Cent. Code Ann. § 12.1-20-06.1</li> </ul>

## Sexual Assault

Question	Answer
How is it defined?	<p>Knowingly having sexual contact with another person, or causing another person to have sexual contact with that person, if:</p> <ul style="list-style-type: none"> <li>• (a) That person knows or has reasonable cause to believe that the contact is offensive to the other person;</li> <li>• (b) That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct;</li> <li>• (c) That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance;</li> <li>• (d) The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person;</li> <li>• (e) The other person is a minor, 15 years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or</li> <li>• (f) The other person is a minor, 15 years of age or older, and the actor is an adult.</li> </ul>

<p>What are the punishments for this crime?</p>	<ul style="list-style-type: none"> <li>• If the actor violates (b), (c), (d), or (e) above, or if the actor violates (f) above and is at least 22 years of age, the maximum sentence is 5 years in prison, a \$10,000 fine, or both (class C felony).</li> <li>• If the actor violates (f) above and is between the ages of 18 and 22, the maximum sentence is 1 year in prison, a \$3,000 fine, or both (class A misdemeanor).</li> <li>• If the actor violates (a) above, the maximum sentence is 1 year in prison, a \$3,000 fine, or both (class A misdemeanor).</li> <li>• If the actor violates (a) above and is between the ages of 18 and 22, the maximum sentence is 30 days in prison, a \$1,500 fine, or both (class B misdemeanor).</li> </ul>
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> <li>• See definition of “<b>sexual contact</b>” under Gross Sexual Imposition.</li> </ul>
<p>Statutory citation(s):</p>	<ul style="list-style-type: none"> <li>• N.D. Cent. Code Ann. § 12.1-20-07; N.D. Cent. Code Ann. § 12.1-20-03.1; N.D. Cent. Code Ann. § 12.1-20-03; <i>see also id.</i> § 12.1-20-01; <i>id.</i> § 12.1-20-02 (definitions).</li> </ul>